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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,767	04/23/2001	J. Graham Mobley	A-7195	4247

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,767

Applicant(s)

MOBLEY ET AL

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-9 & 12-13 rejected under 35 U.S.C. 102(e) as being anticipated by Roberts, (U.S. Pat # 6,418,58).

Considering claim 1, the claimed transmitter for transmitting reverse signals in a broadband communication system comprising:

‘an input port for receiving analog RF signals from downstream’, is met by the input ports 334, in the first transport embodiment (Fig 33). The transmitter reads on the MCC modem.

‘converter for digitizing the analog RF signals’, is met by the operation of the A/D converter 332 which receives RF modulated signals and converts them to digital, col. 49, lines 41-65.

‘carrier-detect circuit coupled to the converter for detecting the presence of digital RF signals and allowing the digital signals to be provided to an output of the transmitter and

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transmitted upstream', is met by the carrier, amplitude, timing and recovery block 222, which sends signal's upstream, (Fig. 34 & col. 50, lines 49-65.

Considering claims 2 & 7, the claimed delay circuit coupled to the converter is met by the sample & hold 434. The claimed 'switch coupled to the delay and controlled by the carrier-detect', reads on the operation of the Lock Indicator, Fig. 34.\

Considering claim 3, Roberts teaches a plurality of transmitters, a digital network coupled to the transmitters, a headend that receives the analog RF signals, (Fig. 1-5). The claimed 'burst-mode' feature is broad enough to read on the combiner 408, combining the upstream signals to be sent to the headend, Fig. 5.

Considering claims 6, 9 & 12-13, Roberts teaches all subject matter, see Figs, 1-5.

Considering claim 8, see Fig. 33.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4 & 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts, In view of LaJoie, (U.S. Pat # 5,850,218).

Considering claims 4 & 10-11, Roberts is directed to a CATV system that transmits analog & digital signals, but does not disclose a digital and analog headend. Examiner points out that the claimed feature is broad enough to read on a single headend that receives both digital and analog signals. LaJoie provides a teaching of a headend that receives both analog and digital signals., (Col. 2, lines 58-67; col. 19, lines 41-67 & col. 11). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Roberts with the teachings of LaJoie, for the desirable advantage of providing a wider range of services to the consumer.

Considering claim 5, the signals in LaJoie necessarily include an addressing means in order to address the data to the proper recipient.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A Bodeep & Beveridge General teachings of fiber/coax systems.

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Any response to this action should be mailed to:

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or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER